



# भारत का राजपत्र

## The Gazette of India

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EXTRAORDINARY

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PART II—Section 2

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इस भाग में चिन्ह पृष्ठ संख्या वी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate pagling is given to this Part in order that it may be filed  
as a separate compilation.

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 10th January, 1991:—

BILL NO. III OF 1991

*A Bill further to amend the Wild Life (Protection) Act, 1972.*

BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:—

- |   |                               |
|---|-------------------------------|
| 1. (1) This Act may be called the Wild Life (Protection) Amendment Act, 1991.<br><br>(2) It shall come into force on such date as the Central Government may, by notification, appoint and different dates may be appointed for different provisions of this Act. | Short title and commencement. |
| 2. In the Wild Life (Protection) Act, 1972 (hereinafter referred to as the principal Act), in the long title, for the words "wild animals and birds", the words "wild animals, birds and plants" shall be substituted.  | Amendment of long title.      |
| 3. In the principal Act, after the long title, the preamble shall be omitted.   | Omission of the preamble.     |
| 4. In section 1 of the principal Act,—<br>(a) for sub-section (2), the following sub-section shall be substituted, namely:—<br>"(2) It extends to the whole of India except the State of Jammu and Kashmir.";   | Amendment of section 1.       |

(b) in sub-section (3), the words "or may become extended in future," shall be omitted.

Amend-  
ment of  
section  
2.

5. In section 2 of the principal Act,—

(a) in clause (2), for the words "has been used", the words "has been used, and ivory imported into India and an article made therefrom" shall be substituted;

(b) clause (3) shall be omitted;

(c) clause (6) shall be omitted;

(d) after clause (7), the following clause shall be inserted, namely:—

"(7A) "circus" means an establishment, whether stationary or mobile, where animals are kept or used wholly or mainly for the purpose of performing tricks or manoeuvres;"

(e) in clause (11), for the words "or meat", the words "meat or specified plant" shall be substituted;

(f) after clause (12), the following clause shall be inserted, namely:—

'(12A) "Forest officer" means the Forest officer appointed under clause (2) of section 2 of the Indian Forest Act, 1927;'

16 of 1927.

(g) clause (13) shall be omitted;

(h) in clause (14), after the figures "39", the words, figures and letter "or section 17H" shall be inserted;

(i) in clause (17), for the words "and also includes boulders and rocks", the words "marshes and wetlands and also includes boulders and rocks" shall be substituted;

(j) after clause (18), the following clause shall be inserted, namely:—

'(18A) "live-stock" includes buffaloes, bulls, bullocks, camels, cows, donkeys, goats, horses, mules, pigs, sheep, yaks and also includes their young,';

(k) after clause (25), the following clauses shall be inserted, namely:—

'(25A) "recognised zoo" means a zoo recognised under section 38H;

(25B) "reserve forest" means the forest declared to be reserved by the State Government under section 20 of the Indian Forest Act, 1927;'

16 of 1927.

(l) in clause (26), for the figures "18", the figures and letter "26A" shall be substituted;

(m) for clause (27), the following clause shall be substituted, namely:—

'(27) "specified plant" means any plant specified in Schedule VI;';

(n) after clause (30), the following clause shall be inserted, namely:—

'(30A) "territorial waters" shall have the same meaning as in section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976,';

80 of 1976.

(o) in clause (32), for the words "freshly-killed wild animal", the words "freshly-killed wild animal, ambergris, musk and other animal products" shall be substituted;

(q) in clause (33), the words "buffalo" and "donkey" shall be omitted;

(q) after clause (38), the following clause shall be inserted, namely:—

'(39) "zoo" means an establishment, whether stationary or mobile, where captive animals are kept for exhibition to the public but does not include a circus and an establishment of a licensed dealer in captive animals.'

**6. In section 4 of the principal Act,—**

Amend-  
ment of  
section  
4.

(a) in sub-section (1),—

(i) in clause (b), the word "and" shall be omitted;

(ii) after clause (b), the following clause shall be inserted, namely:—

"(bb) one Honorary Wild Life Warden in each district; and";

(b) in sub-section (3), for the words "The Wild Life Warden", the words "The Wild Life Warden, the Honorary Wild Life Warden" shall be substituted.

**7. In section 6 of the principal Act,—**

Amend-  
ment of  
section  
6.

(a) in sub-section (1),—

(i) for clause (d), the following clause shall be substituted, namely:—

"(d) the Forest officer in charge of the State Forest Department, by whatever designation called, *ex officio*;";

(ii) for clause (g), the following clauses shall be substituted, namely:—

"(g) officers of the State Government not exceeding five;

(h) such other persons not exceeding ten, who, in the opinion of the State Government, are interested in the protection of wild life, including the representatives of tribals not exceeding three.";

(b) after sub-section (1), as so amended, the following sub-section shall be inserted, namely:—

“(1A) The State Government may appoint a Vice-Chairman of the Board from amongst the members referred to in clauses (b) and (h) of sub-section (1).”;

(c) in sub-section (2), for the words “Chief Conservator of Forests”, the words “the Forest officer in charge of the State Forest Department” shall be substituted.

**8. In section 8 of the principal Act,—**

(i) in clause (a), the words “, game reserves” shall be omitted;

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) in formulation of the policy for protection and conservation of the wild life and specified plants;”;

(iii) in clause (c), the word “and” shall be omitted;

(iv) after clause (c), the following clause shall be inserted, namely:—

“(cc) in relation to the measures to be taken for harmonising the needs of the tribals and other dwellers of the forest with the protection and conservation of wild life; and”.

**9. For section 9 of the principal Act, the following section shall be substituted, namely:—**

“9. No person shall hunt any wild animal specified in Schedules I, II, III and IV except as provided under section 11 and section 12.”.

**10. Section 10 of the principal Act shall be omitted.**

Substitution of new section for section 9.

Prohibition of hunting.

Omission of section 10.

**11. In section 12 of the principal Act, for clause (c), the following clauses shall be substituted, namely:—**

“(c) collection of specimens,—

(i) for recognised zoos subject to the permission under section 38-I; or

(ii) for museums and similar institutions;

(d) derivation, collection or preparation of snake-venom for the manufacture of life-saving drugs;”

Amendment of section 12.

12. Sections 13 to 17 (both inclusive) of the principal Act shall be omitted.

Omission of sections 13 to 17.

13. After Chapter III of the principal Act, the following Chapter shall be inserted, namely:—

Insertion of new Chapter IIIA.

### "CHAPTER IIIA

#### PROTECTION OF SPECIFIED PLANTS

17A. Save as otherwise provided in this Chapter, no person shall—

(a) wilfully pick, uproot, damage, destroy, acquire or collect any specified plant from any forest land and any area specified, by the Central Government;

(b) possess, sell, offer for sale, or transfer by way of gift or otherwise, or transport any specified plant, whether alive or dead, or part or derivative thereof:

Provided that nothing in this section shall prevent a member of a scheduled tribe, subject to the provisions of Chapter IV, from picking, collecting or possessing in the district he resides any specified plant or part or derivative thereof for his *bona fide* personal use.

Prohibition of picking-uprooting etc. of specified plants.

17B. The Chief Wild Life warden may with the previous permission of the State Government, grant to any person a permit to pick, uproot, acquire or collect from a forest land or the area specified under section 17A or transport, subject to such conditions as may be specified therein, any specified plant for the purpose of—

Grant of permit for special purposes.

(a) education;

(b) scientific research;

(c) collection, preservation and display in a herbarium of any scientific institution; or

(d) propagation by a person or an institution approved by the Central Government in this regard.

17C. (1) No person shall cultivate a specified plant except under and in accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf:

Cultivation of specified plants without licence prohibited.

Provided that nothing in this section shall prevent a person, who, immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was cultivating a specified plant, from carrying on such cultivation for a period of six months from such

commencement, or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence can not be granted to him.

(2) Every licence granted under this section shall specify the area in which and the conditions, if any, subject to which the licensee shall cultivate a specified plant.

Dealing  
in speci-  
fied  
plants  
without  
licence  
prohi-  
bited.

17D. (1) No person shall, except under and in the accordance with a licence granted by the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf, commence or carry on business or occupation as a dealer in a specified plant or part or derivative thereof:

Provided that nothing in this section shall prevent a person, who immediately before the commencement of the Wild Life (Protection) Amendment Act, 1991, was carrying on such business or occupation, from carrying on such business or occupation for a period of sixty days from such commencement or where he has made an application within that period for the grant of a licence to him, until the licence is granted to him or he is informed in writing that a licence cannot be granted to him.

(2) Every licence granted under this section shall specify the premises in which and the conditions if any, subject to which the licensee shall carry on his business

Declara-  
tion of  
stock.

17E. (1) Every person cultivating, or dealing in, a specified plant or part or derivative thereof shall within thirty days from the date of commencement of the Wild Life (Protection) Amendment Act, 1991 declare to the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf his stocks of such plants and part or derivative thereof, as the case may be on the date of such commencement.

(2) The provisions of sub sections (3) to (8) (both inclusive) of section 44, section 45, section 46 and section 47 shall, as far as may be, apply in relation to an application and a licence referred to in section 17C and section 17D as they apply in relation to the licence or business in animals or animal articles.

Posses-  
sion,  
etc., of  
plants by  
licensee.

17F. No licensee under this Chapter shall—

(a) keep in his control custody or possession—

(i) any specified plant or part or derivative thereof in respect of which a declaration under the provisions of section 17E has to be made but has not been made;

(ii) any specified plant, or part or derivative thereof which has not been lawfully acquired under the provisions of this Act or any rule or order made thereunder;

(b) (i) pick, uproot, collect or acquire any specified plant  
or

(ii) acquire, receive, keep in his control, custody or possession, or sell, offer for sale or transport, any specified plant or part or derivative thereof,

except in accordance with the conditions subject to which the licence has been granted and such rules as may be made under this Act.

17G. No person shall purchase, receive or acquire any specified plant or part or derivative thereof otherwise than from a licensed dealer:

Provided that nothing in this section shall apply to any person referred to in section 17B.

17H. (1) Every specified plant or part or derivative thereof, in respect of which any offence against this Act or any rule or order made thereunder has been committed, shall be the property of the State Government, and, where such plant or part or derivative thereof has been collected or acquired from a sanctuary or National Park declared by the Central Government, such plant or part or derivative thereof shall be the property of the Central Government.

(2) The provisions of sub-sections (2) and (3) of section 39 shall, as far as may be, apply in relation to the specified plant or part or derivative thereof or they apply in relation to wild animals and articles referred to in sub-section (1) of that section.

14. In Chapter IV of the principal Act, in the heading thereof, the words "GAME RESERVES" shall be omitted.

Purchase,  
etc.,  
of speci-  
fied  
plants.

Plants  
to be  
Govern-  
ment pro-  
perty.

Amend-  
ment of  
heading  
of Chap-  
ter IV.

15. In section 18 of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely:—

Amend-  
ment of  
section  
18.

"(1) The State Government may, by notification, declare its intention to constitute any area other than an area comprised within any reserve forest or the territorial waters as a sanctuary if it considers that such area is of adequate ecological, faunal, floral, geomorphological, natural or zoological significance, for the purpose of protecting, propagating or developing wild life or its environment."

16. In section 19 of the principal Act, for the words "Whenever any area is declared to be a sanctuary," the words and figures "When a notification has been issued under section 18," shall be substituted.

Amend-  
ment of  
section  
19.

17. In section 24 of the principal Act, in sub-section (2), after clause (b) the following clause shall be inserted, namely:—

Amend-  
ment of  
section  
24.

"(c) allow, in consultation with the Chief Wild Life Warden, the continuance of any right of any person in or over any land within the limits of the sanctuary."

Insertion  
of new  
section  
26A.

Declar-  
ation of  
area  
as sanc-  
tuary.

**18.** After section 26 of the principal Act, the following section shall be inserted, namely:—

"26A. (1) When—

(a) a notification has been issued under section 18 and the period for preferring claims has elapsed, and all claims, if any, made in relation to any land in an area intended to be declared as a sanctuary, have been disposed of by the State Government; or

(b) any area comprised within any reserve forest or any part of the territorial waters, which is considered by the State Government to be of adequate ecological faunal, floral, geomorphological, natural or zoological significance for the purpose of protecting, propagating or developing wild life or its environment, is to be included in a sanctuary,

the State Government shall issue a notification specifying the limits of the area which shall be comprised within the sanctuary and declare that the said area shall be a sanctuary on and from such date as may be specified in the notification:

Provided that where any part of the territorial waters is to be so included, prior concurrence of the Central Government shall be obtained by the State Government:

Provided further that the limits of the area of the territorial waters to be included in the sanctuary shall be determined in consultation with the Chief Naval Hydrographer of the Central Government and after taking adequate measures to protect the occupational interests of the local fishermen.

(2) Notwithstanding anything contained in sub-section (1), the right of innocent passage of any vessel or boat through the territorial waters shall not be affected by the notification issued under sub-section (1)."

Amend-  
ment of  
section 27.

**19.** In section 27 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) No person shall, with intent to cause damage to any boundary-mark of a sanctuary or to cause wrongful gain as defined in the Indian Penal Code, alter, destroy, move or deface such boundary-mark."

45 of 1860.

Substitu-  
tion of  
new sec-  
tion for  
section 29.

Destruc-  
tion etc.,  
a sanctu-  
ary pro-  
hibited  
without  
a permit.

**20.** For section 29 of the principal Act, the following section shall be substituted, namely:—

"29. No person shall destroy, exploit or remove any wild life from a sanctuary or destroy or damage the habitat of any wild animal or deprive any wild animal of its habitat within such sanctuary except under and in accordance with a permit granted by the Chief Wild Life Warden and no such permit shall be granted unless the State Government, being satisfied that such destruction, exploitation or

removal of wild life from the sanctuary is necessary for the improvement and better management of wild life therein, authorises the issue of such permit.

*Explanation.—For the purposes of this section, grazing or movement of live-stock permitted under clause (d) of section 33 shall not be deemed to be an act prohibited under this section.”*

**21. In section 33 of the principal Act,—**

(a) in clause (d), for the word “cattle”, the word “live-stock.” shall be substituted;

(b) clause (e) shall be omitted.

**22. After section 33 of the principal Act, the following section shall be inserted, namely:—**

**“33A. (1)** The Chief Wild Life Warden shall take such measures in such manner as may be prescribed, for immunisation against communicable diseases of the live-stock kept in or within five kilometres of a sanctuary.

(2) No person shall take, or cause to be taken or grazed, any live-stock in a sanctuary without getting it immunised.”.

**23. In section 35 of the principal Act,—**

(a) in sub-section (1), the following proviso shall be added at the end, namely:—

“Provided that where any part of the territorial waters is proposed to be included in such National Park, the provisions of section 26A shall, as far as may be, apply in relation to the declaration of a National Park as they apply in relation to the declaration of a sanctuary.”;

(b) in sub-section (3), for the figures, words and brackets “19 to 26 (both inclusive)”, the figures, words, letters and brackets “19 to 26A (both inclusive except clause (c) of sub-section (2) of section 24)” shall be substituted;

(c) in sub-section (7), for the word “cattle”, wherever it occurs, the word “live-stock” shall be substituted;

(d) in sub-section (8), for the word and figures “section 33”, the words, figures and letter “section 33, section 33A” shall be substituted.

**24. In Chapter IV of the principal Act, the sub-heading “GAME RESERVE”, and section 36 below it, shall be omitted.**

Amend  
ment of  
section 33.

Insertion  
of new  
section  
33A.

Immunis-  
ation of  
live-stock

Amend-  
ment of  
section 35.

Omission  
of section  
36 and  
sub-  
heading  
thereof.  
Amend-  
ment of  
section 38.

**25. In section 38 of the principal Act, in sub-section (1), for the words and figures “sections 19 to 35”, the words and figures “sections 18 to 35” shall be substituted.**

Insertion  
of new  
Chapter  
IV A.

**26.** After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

### "CHAPTER IVA

#### CENTRAL ZOO AUTHORITY AND RECOGNITION OF ZOOS

Constitu-  
tion of  
Central  
Zoo  
Authority.

**38A.** (1) The Central Government shall constitute a body to be known as the Central Zoo Authority (hereinafter in this Chapter referred to as the Authority), to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(2) The Authority shall consist of—

- (a) Chairperson;
- (b) such number of members not exceeding ten; and
- (c) Member-Secretary;

to be appointed by the Central Government.

Term of  
office and  
condi-  
tions of  
service  
of Chair-  
person  
and Mem-  
bers etc.

**38B.** (1) The Chairperson and every member shall hold office for such period, not exceeding three years, as may be specified by the Central Government in this behalf.

(2) The Chairpersons or a member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of the Member.

(3) The Central Government shall remove a person from the office of Chairperson or Member referred to in sub-section (2) if that person—

(a) becomes an undischarged insolvent;

(b) gets convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;

(c) becomes of unsound mind and stands so declared by a competent court;

(d) refuses to act or becomes incapable of acting;

(e) is, without obtaining leave of absence from the authority, absent from three consecutive meetings of the Authority; or

(f) in the opinion of the Central Government has so abused the position of Chairperson or Member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause unless that person has been given a reasonable opportunity of being heard in the matter.

**(4) A vacancy caused under sub-section (2) or otherwise shall be filled by fresh appointment.**

(5) The salaries and allowances and other conditions of appointment of Chairperson, Members and Member-Secretary of the Authority shall be such as may be prescribed.

(6) the Authority shall, with the previous sanction of the Central Government, employ such officers and other employees as it deems necessary to carry out the purposes of the Authority.

(7) The terms and conditions of service of the officers and other employees of the Authority shall be such as may be prescribed.

(8) No act or proceeding of the Authority shall be questioned or shall be invalid on the ground merely of the existence of any vacancies or defect in the constitution of the Authority.

**38C.** The Authority shall perform the following functions, namely:—

(a) specify the minimum standards for housing, upkeep and veterinary care of the animals kept in a zoo;

(b) evaluate and assess the functioning of zoos with respect to the standards or the norms as may be prescribed;

(c) recognise or derecognize zoos;

(d) identify endangered species of wild animals for purposes of captive breeding and assigning responsibility in this regard to a zoo;

(e) co-ordinate the acquisition, exchange and loaning of animals for breeding purposes;

(f) ensure maintenance of study-books of endangered species of wild animals bred in captivity;

(g) identify priorities and themes with regard to display of captive animals in a zoo;

(h) co-ordinate training of zoo personnel in India and outside India;

(i) co-ordinate research in captive breeding and educational programmes for the purposes of zoos;

(j) provide technical and other assistance to zoos for their proper management and development on scientific lines;

(k) perform such other functions as may be necessary to carry out the purposes of this Act with regard to zoos.

**38D.** (1) The Authority shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

(2) The Authority shall regulate its own procedure.

(3) All orders and decisions of the Authority shall be authenticated by the Member-Secretary or any other officer of the Authority duly authorised by the Member-Secretary in this behalf.

Functions  
of the  
Authority.

Procedure  
to be  
regulated  
by the  
Authority.

Grants and  
loans to  
Authority  
and  
Constitution  
of Fund.

**38E. (1)** The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants and loans of such sums of money as that Government may consider necessary.

**(2)** There shall be constituted a Fund to be called the Central Zoo Authority Fund and there shall be credited thereto any grants and loans made to the Authority by the Central Government, all fees and charges received by the Authority under this Act and all sums received by the Authority from such other sources as may be decided upon by the Central Government.

**(3)** The Fund referred to in sub-section (2) shall be applied for meeting salary, allowances and other remuneration of the members, officers and other employees of the Authority and the expenses of the Authority in the discharge of its functions under this Chapter and expenses on objects and for purposes authorised by this Act.

**(4)** The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

**(5)** The accounts of the Authority shall be audited by the Comptroller and Auditor-General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General.

**(6)** The Comptroller and Auditor-General and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights and privileges and the authority in connection with such audit as the Comptroller and Auditor-General generally has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

**(7)** The accounts of the Authority, as certified by the Comptroller and Auditor-General or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government by the Authority.

Annual  
Report.

**38F.** The Authority shall prepare in such form and at such time, for each financial year, as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

Annual  
report  
and audit  
report  
to be laid  
before  
Parliament.

**38G.** The Central Government shall cause the annual report together with a memorandum of action taken on the recommendations contained therein, in so far as they relate to the Central Government, and the reasons for the non-acceptance, if any, of any of such recommendations and the audit report to be laid as soon as may be after the reports are received, before each House of Parliament.

**38H. (1)** No zoo shall be operated without being recognised by the Authority:

Recognition of zoos.

Provided that a zoo being operated immediately before the date of commencement of the Wild Life (Protection) Amendment Act, 1991 may continue to operate without being recognised for a period of six months from the date of such commencement and if the application seeking recognition is made within that period, the zoo may continue to be operated until the said application is finally decided or withdrawn and in case of refusal for a further period of six months from the date of such refusal.

**(2)** Every application for recognition of a zoo shall be made to the Authority in such form and on payment of such fee as may be prescribed.

**(3)** Every recognition shall specify the conditions, if any, subject to which the applicant shall operate the zoo.

**(4)** No recognition to a zoo shall be granted unless the Authority, having due regard to the interests of protection and conservation of wild life, and such standards, norms and other matters as may be prescribed, is satisfied that recognition should be granted.

**(5)** No application for recognition of a zoo shall be rejected unless the applicant has been given a reasonable opportunity of being heard.

**(6)** The Authority may, for reasons to be recorded by it, suspend or cancel any recognition granted under sub-section (4):

Provided that no such suspension or cancellation shall be made except after giving the person operating the zoo a reasonable opportunity of being heard.

**(7)** An appeal from an order refusing to recognise a zoo under sub-section (5) or an order suspending or cancelling a recognition under sub-section (6) shall lie to the Central Government.

**(8)** An appeal under sub-section (7) shall be preferred within thirty days from the date of communication, to the applicant, of the order appealed against:

Provided that the Central Government may admit any appeal preferred after the expiry of the period aforesaid if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

**38-I.** Subject to the other provisions of this Act, no zoo shall acquire or transfer any wild animal specified in Schedule I and Schedule II except with the previous permission of the Authority.

Acquisition of animals by a zoo.

**38J.** No person shall tease, molest, injure or feed any animal or cause disturbance to the animals by noise or otherwise, or litter the grounds in a zoo.”

Prohibition of teasing etc., in a zoo.

Amend-  
ment of  
section 39.

**27. In section 39 of the principal Act, in sub-section (1),—**

(a) in clause (a),—

(i) for the words “bred in captivity”, the words “bred in captivity or hunted” shall be substituted;

(ii) the words “or killed without a licence or by mistake; and” shall be omitted;

(b) after clause (b), the following clauses shall be inserted, namely:—

“(c) ivory imported into India and an article made from such ivory in respect of which any offence against this Act or any rule or order made thereunder has been committed;

(d) vehicle, vessel, weapon, trap or tool that has been used for committing an offence and has been seized under the provisions of this Act;”;

(c) in the long paragraph, for the words “derived from such animal”, the words “derived from such animal or any vehicle, vessel, weapon, trap or tool used in such hunting” shall be substituted.

**28. In section 40 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—**

“(3) Nothing in sub-section (1) or sub-section (2) shall apply to a recognised zoo subject to the provisions of section 38-I or to a public museum.”.

Amend-  
ment of  
section  
40.

**29. In section 43 of the principal Act, in sub-section (6),—**

(i) for clause (a), the following clause shall be substituted, namely:—

“(a) to tail feather of peacock and the animal articles or trophies made therefrom;”;

(ii) for clause (b), the following clause shall be substituted, namely:—

“(b) to any transaction entered into by a recognised zoo subject to the provisions of section 38-I or by a public museum with any other recognised zoo or public museum.”.

Amend-  
ment of  
section  
43.

**30. In section 44 of the principal Act, in sub-section (1),—**

(i) in clause (a), sub-clause (ia) shall be omitted;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(c) derive, collect or prepare, or deal in, snake venom;”;

(iii) for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that nothing in this sub-section shall apply to the dealers in tail feathers of peacock and articles made therefrom and the manufacturers of such articles.”.

**31.** After section 48 of the principal Act, the following section shall be inserted, namely:—

“48A. No person shall accept any wild animal (other than vermin), or any animal article, or any specified plant or part or derivative thereof, for transportation except after exercising due care to ascertain that permission from the Chief Wild Life Warden or any other officer authorised by the State Government in this behalf has been obtained for such transportation.”.

**32.** In section 49 of the principal Act, for the proviso, the following proviso shall be substituted, namely:—

“Provided that nothing in this section shall apply to a recognised zoo subject to the provisions of section 38-I or to a public museum.”.

**33.** In section 49A of the principal Act,—

(a) in clause (b), for the words “has been used”, the words “has been used but does not include tail feather of peacock, an article or trophy made therefrom and snake venom or its derivative;” shall be substituted;

(b) in clause (c).—

(i) in sub-clause (i), after the words “from such commencement”, the word “and” shall be omitted;

(ii) after sub-clause (ii), the following sub-clause shall be inserted, namely:—

“(iii) in relation to ivory imported into India or an article made from such ivory, the date of expiry of six months from the commencement of the Wild Life (Protection) Amendment Act, 1991.”.

**34.** In section 49B of the principal Act, in sub-section (1), in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely:—

“(ia) a dealer in ivory imported into India or articles made therefrom or a manufacturer of such articles; or”.

**35.** In section 49C of the principal Act,—

(a) in sub-section (1), in clause (a), after sub-clause (iv), the following sub-clause shall be inserted, namely:—

“(v) ivory imported into India or articles made therefrom;”

(b) in sub-section (7), for the words “any scheduled animal or a scheduled animal article”, the words “any scheduled animal, a scheduled animal article or ivory imported into India or any article made therefrom.”.

Insertion  
of new  
section  
48A.

Restriction  
on trans-  
portation  
of wild  
life.

Amend-  
ment of  
section  
49.

Amend-  
ment of  
section  
49A.

Amend-  
ment of  
section  
49B.

Amend-  
ment of  
section  
49C.

Amend-  
ment of  
section  
50.

**36.** In section 50 of the principal Act,—

(a) in sub-section (1),—

(i) in clause (c), for the words "trophy or uncured trophy", the words "trophy, meat or uncured trophy, specified plant or part or derivative thereof" shall be substituted;

(ii) for clause (c), the following clause shall be substituted, namely:—

"(c) seize any captive animal, wild animal, animal article, meat, trophy or uncured trophy, or any specified plant or part or derivative thereof in respect of which an offence against this Act appears to have been committed, in the possession of any person together with any trap, tool, vehicle, vessel or weapon used for committing any such offence and, unless he is satisfied that such person will appear and answer any charge which may be preferred against him, arrest him without warrant, and detain him:

Provided that where a fisherman, residing within ten kilometres of a sanctuary or National Park, inadvertently enters on a boat, not used for commercial fishing, in the territorial waters in that sanctuary or National Park, a fishing tackle or net on such boat shall not be seized.";

(b) sub-section (2) shall be omitted;

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) Any officer of a rank not inferior to that of an Assistant Director of Wild Life preservation or Wild Life Warden, who, or whose subordinate, has seized any captive animal or wild animal under clause (c) of sub-section (1) may give the same for custody on the execution by any person of a bond for the production of such animal if and when so required, before the Magistrate having jurisdiction to try the offence on account of which the seizure has been made.";

(d) in sub-section (6), for the words "meat or uncured trophy", wherever they occur, the words "meat, uncured trophy, specified plant, or part or derivative thereof" shall be substituted;

(e) after sub-section (7), the following sub-sections shall be inserted, namely:—

"(8) Notwithstanding anything contained in any other law for the time being in force, any officer not below the rank of an Assistant Director of Wild Life Preservation or Wild Life Warden shall have the powers, for purposes of making investigation into any offence against any provision of this Act,—

(a) to issue a search warrant;

(b) to enforce the attendance of witnesses;

(c) to compel the discovery and production of documents and material objects; and

(d) to receive and record evidence.

(9) Any evidence recorded under clause (d) of sub-section (8) shall be admissible in any subsequent trial before a Magistrate provided that it has been taken in the presence of the accused person.”.

37. In section 51 of the principal Act,—

(a) in sub-section (1),—

(i) for the brackets, words, figure and letter “(except Chapter VA)”, the brackets, words, figures and letters “(except Chapter VA and section 38J)”, for the words “two years”, the words “three years” and for the words “two thousand rupees”, the words “twenty-five thousand rupees” shall be substituted;

(ii) in the first proviso for the words “relates to hunting in”, the words “relates to hunting in, or altering the boundaries of”, for the words “six months”, the words “one year” and for the words “five hundred rupees”, the words “five thousand rupees” shall be substituted;

(iii) for the second proviso, the following proviso shall be substituted, namely:—

“Provided further that in the case of a second or subsequent offence of the nature mentioned in this sub-section, the term of imprisonment may extend to six years and shall not be less than two years and the amount of fine shall not be less than ten thousand rupees.”;

(b) after sub-section (1A), the following sub-section shall be inserted, namely:—

“(1B) Any person who contravenes the provisions of section 38J shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both:

Provided that in the case of a second or subsequent offence, the term of imprisonment may extend to one year or the fine may extend to five thousand rupees.”;

(c) in sub-section (2), for the words “uncured trophy or meat”, the words “uncured trophy, meat, ivory imported into India or an article made from such ivory, any specified plant, or part or derivative thereof” shall be substituted;

(d) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) Nothing contained in section 360 of the Code of Criminal Procedure, 1973 or in the Probation of Offenders Act, 1952 shall apply to a person convicted of an offence with respect to

Amend-  
ment of  
section  
51.

Amendment of section 54.

Substitution of new section for section 55.

Cognizance of offences.

Amendment of section 57.

Amendment of section 59.

Amendment of section 60.

Insertion of new section 60A.

Reward to persons.

hunting in a sanctuary or a National Park or of an offence against any provision of Chapter VA unless such person is under eighteen years of age.”.

**38.** In section 54 of the principal Act, in sub-section (1), for the words “The State Government”, the words “The Central Government may, by notification, empower the Director of Wild Life Preservation or any other officer and the State Government” shall be substituted.

**39.** For section 55 of the principal Act, the following section shall be substituted, namely:—

“55. No court shall take cognizance of any offence against this Act on the complaint of any person other than—

(a) the Director of Wild Life Preservation or any other officer authorised in this behalf by the Central Government; or

(b) the Chief Wild Life Warden, or any other officer authorised in this behalf by the State Government; or

(c) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint, to the Central Government or the State Government or the officer authorised as aforesaid.”.

**40.** In section 57 of the principal Act, for the words “trophy or uncured trophy”, wherever they occur, the words “trophy, uncured trophy, specified plant, or part or derivative thereof” shall be substituted.

**41.** In section 59 of the principal Act, for the words and figures “in Chapter II and”, the words, figures and letter “in Chapter II and the chairperson, members, member-secretary and other officers and employees referred to in Chapter IVA” shall be substituted.

**42.** In section 60 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) No suit or other legal proceeding shall lie against the Authority referred to in Chapter IVA and its Chairperson, members, member-secretary, officers and other employees for anything which is in good faith done or intended to be done under this Act.”.

**43.** After section 60 of the principal Act, the following section shall be inserted, namely:—

“60A. (1) When a court imposes a sentence of fine or a sentence of which fine forms a part, the court may, when passing judgment, order that the reward be paid to a person who renders assistance in the detection of the offence or the apprehension of the offenders out of the proceeds of fine not exceeding twenty per cent. of such fine.

(2) When a case is compounded under section 54, the officer compounding may order reward to be paid to a person who renders assistance in the detection of the offence or the apprehension

of the offenders out of the sum of money accepted by way of composition not exceeding twenty per cent. of such money.”.

**44.** In section 61 of the principal Act,—

Amend-  
ment of  
section  
61.

(a) in sub-section (1), for the words “add any entry to any Schedule”, the words “add or delete any entry to or from any Schedule” shall be substituted;

(b) sub-section (2) shall be omitted;

(c) in sub-section (3), the words, brackets and figure “or sub-section (2)” shall be omitted;

(d) sub-section (4) shall be omitted.

**45.** In section 62 of the principal Act, for the words and figure “Subject to the provisions of section 61, the State Government”, the words “The Central Government” shall be substituted.

Amend-  
ment of  
section  
62.

**46.** In section 63 of the principal Act, for sub-section (1) the following sub-section shall be substituted, namely:—

Amend-  
ment of  
section  
63.

“(1) The Central Government may, by notification, make rules for all or any of the following matters, namely:—

(a) conditions and other matters subject to which a licensee may keep any specified plant in his custody or possession under section 17F;

(b) the salaries and allowances and other conditions of appointment of chairperson, members and member-secretary under sub-section (5) of section 38B;

(c) the terms and conditions of service of the officers and other employees of the Central Zoo Authority under sub-section (7) of section 38B;

(d) the form in which the annual statement of accounts of the Central Zoo Authority shall be prepared under sub-section (4) of section 38E;

(e) the form in which and the time at which the annual report of the Central Zoo Authority shall be prepared under section 38F;

(f) the form in which and the fee required to be paid with the application for recognition of a zoo under sub-section (2) of section 38H;

(g) the standards, norms and other matters to be considered for granting recognition under sub-section (4) of section 38H;

(h) the form in which declaration shall be made under sub-section (2) of section 44;

(i) the matters to be prescribed under clause (b) of sub-section (4) of section 44;

- (j) the terms and conditions which shall govern transactions referred to in clause (b) of section 46;
- (k) the manner in which notice may be given by a person under clause (c) of section 55;
- (l) the matters specified in sub-section (2) of section 64 in so far as they relate to sanctuaries and National Parks declared by the Central Government.”.

Amend-  
ment of  
section 64.

47. In section 64 of the principal Act, in sub-section (2), after clause (e), the following clause shall be inserted, namely:—

“(ee) the manner in which measures for immunisation of live-stock shall be taken;”.

Amend-  
ment of  
section 66.

48. In section 66 of the principal Act, after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) For the removal of doubts, it is hereby further declared that where any proceeding under any provision of sections 19 to 25 (both inclusive) is pending on the date of commencement of the Wild Life (Protection) Amendment Act, 1991, any reserve forest or a part of territorial waters comprised within a sanctuary declared under section 18 to be a sanctuary before the date of such commencement shall be deemed to be a sanctuary declared under section 26A.”.

Amend-  
ment of  
Schedule  
II.

49. In Schedule II to the principal Act, in the heading, the figures “10” and the words “SPECIAL GAME” shall be omitted.

Amend-  
ment of  
Schedule  
III.

50. In Schedule III to the principal Act, in the heading, the figures “10” and the words “BIG GAME” shall be omitted.

Amend-  
ment of  
Schedule  
IV.

51. In Schedule IV to the principal Act, the heading “SMALL GAME” shall be omitted.

Insertion  
of new  
Schedule  
VI.

52. After Schedule V to the principal Act, the following Schedule shall be inserted, namely:—

#### “SCHEDULE VI

*(See section 2)*

1. Beddomes' cycad (*Cycas beddomei*)
2. Blue Vanda (*Vanda coerulea*)
3. Kuth (*Saussurea lappa*)
4. Ladies slipper orchids (*Paphiopedilum spp.*)
5. Pitcher Plant (*Nepenthes Khasiana*)
6. Red Vanda (*Rananthera imschootiana*). ”.

## STATEMENT OF OBJECTS AND REASONS

The Wild Life (Protection) Act, 1972 provides for the protection of wild animals and birds.

2. In the implementation of the Act over 18 years, the need for amendment of certain provisions of the Act to bring them in line with the requirements of the present times has been felt. The Indian Board for Wild Life also endorsed the need for these amendments. Ministry of Environment and Forests has worked out the proposals for amendment of the Act on the basis of recommendations of the Standing Committee of Indian Board for Wild Life and various ministries of the Government.

3. Poaching of wild animals and illegal trade of products derived therefrom, together with degradation and depletion of habitats have seriously affected wild life population. In order to check this trend, it is proposed to prohibit hunting of all wild animals (other than vermin). However, hunting of wild animals in exceptional circumstances, particularly for the purpose of protection of life and property and for education, research, scientific management and captive breeding, would continue. It is being made mandatory for every transporter not to transport any wild life product without proper permission. The penalties for various offences are proposed to be suitably enhanced to make them deterrent. The Central Government officers as well as individuals now can also file complaints in the courts for offences under the Act. It is also proposed to provide for appointment of Honorary Wild Life Wardens and payment of rewards to persons helping in apprehension of offenders.

4. To curb large scale mortalities in wild animals due to communicable diseases, it is proposed to make provisions for compulsory immunisation of live-stocks in and around National Parks and Sanctuaries.

5. Realising the need to protect offshore marine flora and fauna, the provisions of National Parks and Sanctuaries are proposed to be extended to the territorial waters. It is also being provided that while declaring any part of territorial waters as a sanctuary, due precaution shall be taken to safeguard the occupational interests of local fishermen.

6. While making the provisions of the Act more effective and stringent, due regard has also been given to the rights of the local people, particularly the tribals. It is being provided that except for the areas under reserve forests, (where the rights of the people have already been settled) and the territorial waters, no area can be declared a sanctuary unless the rights of the people have been settled. State Wild Life Advisory Boards are also being made responsible for suggesting ways and means to harmonise the needs of tribals and the protection of wild life.

7. In the recent times, there has been a mushroom growth of zoos in India. Zoos, if managed properly, serve a useful role in the preservation

of wild animals. So far there is no legislation dealing with zoos. Provisions are now being made for setting up of a Central Zoo Authority responsible for overseeing the functioning and development of zoos in the country. Only such zoos would be allowed to operate as are recognised and maintain animals in accordance with the norms and standards prescribed by the Zoo Authority. Activities causing disturbance to animals in a zoo are being made a punishable offence.

8. Over-exploitation has endangered the survival of certain species of plants. Although the export of these plants and their derivatives is restricted under the provisions of the export policy and the "Convention on International Trade in Endangered Species of Wild Fauna and Flora" to which India is a Party, yet there is no restriction on collection of these species from the wild. Provision to prohibit collection and exploitation of wild plants which are threatened with extinction, is being made. Cultivation and trade of such plants would, however, be permitted under licence. The provisions, however, would not affect the collection of traditionally used plants for the bonafide personal use of the tribals.

9. It may be recalled that the Parties to the "Convention on International Trade in Endangered Species of Wild Fauna and Flora" (CITES), being greatly concerned by the decline in population of African elephants due to illegal trade in ivory, have included this animal in Appendix-I of the Convention in October, 1989. Due to this change, the import and export of African ivory for commercial purposes has been prohibited. As a result, import of ivory would no longer be possible to meet the requirements of the domestic ivory trade. If the ivory trade is allowed to continue, it will lead to large scale poaching of Indian elephants. With this point in view, the trade in imported ivory within the country is proposed to be banned after giving due opportunity to ivory traders to dispose off their existing stock.

10. The existing legal provisions do not permit the collection of snake venom for producing life saving drugs from snakes like Cobra and Russel's Viper. This is causing hardship. It is, therefore, proposed to amend the Act to provide for extraction of and dealing in snake venom in a regulated manner.

11. The Bill seeks to achieve the aforesaid objects.

MANEKA GANDHI.

*Notes on clauses*

*Clause 2.*—This clause seeks to amend the long title of the Act so as to insert the word “plants”.

*Clause 3.*—This clause seeks to omit the preamble.

*Clause 4.*—This clause seeks to amend sub-sections (2) and (3) of section 1 of the Act in view of the transfer of the subject from State List to the Concurrent List of the Constitution.

*Clause 5.*—This clause seeks to omit certain definitions and also to insert certain new definitions in view of the amendments proposed in the Bill.

*Clause 6.*—This clause seeks to amend section 4 of the Act so as to provide for the appointment of Honorary Wild Life Warden in each district.

*Clause 7.*—This clause seeks to amend section 6 of the Act to provide for representation of 10 non-officials and tribals not exceeding 3 on the board and also for the appointment of a non-official as Vice-Chairman.

*Clause 8.*—This clause seeks to amend section 8 of the Act so that State Wild Life Advisory Boards may advise the State Government regarding harmonisation of the needs of tribals and forest dwellers with conservation and protection of wildlife.

*Clause 9.*—This clause seeks to amend section 9 of the Act so as to prohibit hunting of any wild animal specified in Schedules I, II, III and IV except as provided in sections 11 and 12.

*Clause 10.*—This clause seeks omission of section 10 of the Act.

*Clause 11.*—This clause seeks to amend section 12 to empower the Chief Wild Life Wardens to permit hunting of snakes for derivation, collection and preparation of snake-venom. The permission to collect animals for purposes of display in zoos is proposed to be given only to the recognised zoos subject to provisions of section 38-I.

*Clause 12.*—This clause seeks to omit sections 13 to 17.

*Clause 13.*—This clause seeks to insert a new Chapter to ban exploitation of specified plants from forest lands and such area as may be notified by the Central Government. However, exceptions have been made for purposes of education, research, display and propagation. Cultivation and dealing in specified plants will be permitted only under a licence.

*Clause 14.*—This clause seeks to omit the words “Game Reserve” from the heading of Chapter IV.

*Clause 15.*—This clause seeks to amend section 18 of the Act to provide for notification of the intention of the State Government to

declare any area (other than reserve forest or territorial waters), a sanctuary.

*Clause 16.*—This clause seeks to amend section 19 as a consequence of clause 15.

*Clause 17.*—This clause seeks to amend section 24 of the Act so as to insert a new clause providing for the continuance of rights of persons in or over any land within the limits of the sanctuary in consultation with the Chief Wild Life Warden.

*Clause 18.*—This clause seeks to insert a new section 26A that areas other than reserve forests and territorial waters could be declared a sanctuary only after disposal of all claims relating to rights on the land comprised in the area. The area under reserve forests and the territorial waters would be declared a sanctuary by single notification. State Governments would, however, take prior concurrence of Central Government before declaring any part of territorial waters as a sanctuary.

*Clause 19.*—This clause seeks to amend section 27 of the Act so as to make it an offence to damage any boundary mark of a sanctuary or alter, move or deface such boundary mark.

*Clause 20.*—This clause seeks to amend section 29 of the Act so as to prohibit destruction, exploitation or removal of any wild life from a sanctuary or destruction of or damage to the habitat of any wild animal except in accordance with the permit granted by the Chief Wild Life Warden. Grazing and movement of live-stock under appropriate authority shall, however, be excluded from the purview of this section.

*Clause 21.*—This clause seeks to amend section 33 of the principal Act so as to substitute the word "cattle" by "live-stock" and to exclude the provision regarding fishing in a sanctuary.

*Clause 22.*—This clause seeks to insert a new section 33A providing for immunisation of live-stock and the measures to be undertaken by the Chief Wild Life Warden so that all live-stocks kept within five kilometres of a sanctuary are immunised. The new section also seeks to provide that no person shall take, cause to be taken or grazed in a sanctuary any live-stock, that has not been immunised.

*Clause 23.*—This clause intends to amend section 35 of the Act to the effect that provisions of sections 26A and 33A shall as far as may be apply to National Parks and also that the word "cattle" wherever it occurs shall be substituted by the word "live-stock". It is, further, proposed that provision of clause (c) of sub-section (2) of section 24, shall not be applicable to National Parks.

*Clause 24.*—This clause seeks to omit section 36 of the Act.

*Clause 25.*—This clause seeks to amend references to sections 19 to 35 occurring in section 38 to read as sections 18 to 35.

*Clause 26.*—This clause seeks to insert a new Chapter IV A providing for the creation of a Central Zoo Authority. The said Authority shall exercise the functions conferred on it under this Act. It shall consist of a Chairperson, Member-Secretary and not more than ten members to be

appointed by the Central Government. This Chapter also empowers the Central Government to prescribe the terms and conditions of the chairperson, member-secretary, members and other officers and employees. It is also proposed that the Parliament may provide by due appropriation by law such sums of money as the Government may deem necessary to be credited into Central Zoo Authority Fund. This Chapter also provides that only such zoos which are recognised by the Central Zoo Authority would be eligible to operate. Provisions regarding the procedure for application for recognition have been made. No zoo shall be allowed to procure animals mentioned in Schedules I and II without the permission of the Authority. Teasing, disturbing, molesting, injuring or unauthorised feeding of animals and littering of the grounds in a zoo are being made punishable.

*Clause 27.*—This clause seeks to amend section 39 of the Act so as to provide that ivory imported into India and articles made therefrom in respect of which any offence has been committed and any vehicle, vessel, weapon, etc., used in committing any such offence shall also be the property of the Government.

*Clause 28.*—This clause seeks to amend section 40 of the Act. It provides that only recognised zoos acquiring animals under permission from Central Zoo Authority shall be exempted from the provisions of section 40.

*Clause 29.*—This clause seeks to amend section 43 of the Act. It provides that the provisions of the said section will not apply to tail feathers of peacock or animal article or trophy therefrom and the transactions entered into by a recognised zoo or a public museum with other recognised zoos or public museums.

*Clause 30.*—This clause seeks to amend section 44 of the Act. It lays down that except in accordance with the licence granted under sub-section (4) no person shall deal in snake venom. Tail feathers of peacock are also being exempted.

*Clause 31.*—This clause seeks to insert a new section 48A providing for restrictions on transporters of wild animals, specified plants and their products.

*Clause 32.*—This clause seeks to amend section 49 of the Act so as to exempt transactions by only recognised zoos and public museums from that section.

*Clause 33.*—This clause seeks to amend section 49A to the effect that tail feathers of peacock and articles made therefrom and snake venom and its derivatives shall be excluded from the definition of "Scheduled Animal Article".

It has been further proposed that specified date in respect of ivory imported into India and articles made therefrom shall be the date after expiry of six months from the commencement of Wild Life (Protection) Amendment Act, 1991.

*Clause 34.*—This clause seeks to insert a new sub-clause in section 49B of the Act providing for the ban on trade of ivory imported into India and articles made therefrom.

*Clause 35.*—This clause seeks to amend section 49C of the Act providing for declaration of stocks of ivory imported into India and articles made therefrom by the existing dealers.

*Clause 36.*—This clause seeks to amend section 50 of the Act providing for the powers of entry, search, arrest and detention with respect to offences committed against this Act in respect of specified plant or part or derivative thereof. It also provides for seizure of specified plant or derivative thereof in respect of which an offence has been committed. Fishermen residing within ten kilometres of a sanctuary or a national park who inadvertently enter the territorial waters of such sanctuary or national park shall not be proceeded against under this clause. It also provides for other incidental matters relating to seizure of such wild animals or plants and giving of custody on the execution of bond and the rank of the officer who is authorised to investigate into offences against the provisions of this Act.

*Clause 37.*—This clause seeks to amend section 51 of the Act to enhance punishment. Punishment for the acts which are being prohibited under section 38J is being provided and certain other acts under the Wild Life (Protection) Amendment Act, 1991 have also been made punishment. It is proposed to exclude the application of section 360 of the Code of Criminal Procedure and the Probation of Offenders Act in respect of offences relating to hunting in national parks and sanctuaries and trade in scheduled animals and articles made therefrom.

*Clause 38.*—This clause seeks to delegate the power under section 54 of the Act to compound certain offences to the Director of Wild Life Preservation and other officers authorised by the Central Government in this behalf.

*Clause 39.*—This clause seeks to amend section 55 of the Act so as to authorise the Central Government officers to file complaints in the court. It is also proposed to make a provision enabling individuals to file complaints against the offences in the prescribed manner.

*Clause 40.*—This clause seeks to make the provisions of section 57 of the Act applicable to specified plant, part or derivative thereof.

*Clause 41.*—This clause seeks to make the provisions of section 59 of the Act applicable to Chairperson, members Member-Secretary, other officers and employees of the Central Zoo Authority to declare them as public servants.

*Clause 42.*—This clause seeks to amend section 60 of the Act to provide legal protection to the Chairperson, members, Member-Secretary, other officers and employees of the Central Zoo Authority for acts done in good faith.

*Clause 43.*—This clause seeks to insert a new section in the Act to provide for payment of rewards to persons either providing information or aiding in apprehending the offenders.

*Clause 44.*—This clause seeks to amend section 61 of the Act so as the power to add an entry to or delete any entry from any Schedule vests only with the Central Government.

*Clause 45.*—This clause seeks to amend section 62 of the Act so that the power to declare any animal as a vermin vests only with the Central Government.

*Clause 46.*—This clause provides for amendment of section 63 of the Act to give the powers to Central Government for framing rules in respect of trade in specified plants, matters related with the zoos and the Central Zoo Authority and the manner in which a person should give notice to the Central Government or the State Government under the provisions of section 55 of the Act.

*Clause 47.*—This clause seeks to amend section 64 of the Act to provide the State Government with the power regarding the measures to be taken for immunisation of live-stock kept in or within five kilometers of a sanctuary or national park.

*Clause 48.*—This clause intends to amend section 66 to remove certain doubts regarding declaration of reserve forest and part of territorial waters as a sanctuary prior to the Wild Life (Protection) Amendment Act. 1991.

*Clause 49.*—This clause seeks to omit the words “special game” from the title of Schedule II.

*Clause 51.*—This clause seeks to omit the words “small game” from the title of Schedule III.

*Clause 51.*—This clause seeks to omit the words “small game” from the title of Schedule IV.

*Clause 52.*—This clause seeks to add a new Schedule “Schedule VI” regarding specified plants.

## FINANCIAL MEMORANDUM

Clause 26 of the Bill seeks to insert Chapter IV A in the Wild Life (Protection) Act, 1972 so as to provide for, *inter alia*, the constitution of the Central Zoo Authority. The said Authority shall consist of chairperson and members not exceeding ten. Besides, the authority may employ officers and other employees to perform its functions.

Expenditure with respect to the allowances payable to the members of the Central Zoo Authority is expected to be Rupees two lakhs per annum. Expenditure likely to be incurred for maintaining the office and payment of salary to the officers and other employees of the said Authority is likely to be around Rupees thirteen lakhs per annum. A sum of Rs. 13,00,000 is further estimated to meet non-recurring expenditure.

It is also being provided in section 38E [being inserted in the Wild Life (Protection) Act, 1972,] that the Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority Grants and Loans of such sums of money as the Government may consider necessary. It is not possible at this stage to visualise the amount that the Central Government may make available to the Central Zoo Authority.

No other provision of the Bill involves any other expenditure of recurring or non-recurring nature from and out of the Consolidated Fund of India.

These expenditures are sought to be met from the Consolidated Fund of India.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 46 of the Bill seeks to amend sub-section (1) of section 63 of the Wild Life (Protection) Act, 1972. In that sub-section, some clauses are being inserted so as to empower the Central Government to make rules which relate mainly to—

- (i) conditions and other matters subjected to which a licensee may keep any specified plant in his custody or possession;
- (ii) the salaries and allowances and other conditions of appointment of Chairperson, Members and Member-Secretary;
- (iii) the terms and conditions of service of the officers and other employees of the Central Zoo Authority;
- (iv) the form in which the annual statement of accounts of the Central Zoo Authority shall be prepared;
- (v) the form in which and the time at which the annual report of the Central Zoo Authority shall be prepared;
- (vi) the form in which and the fee required to be paid with the application for recognition of a zoo;
- (vii) the standards, norms and other matters to be considered for granting recognition;
- (viii) the manner in which notice may be given by a person.

2. Clause 47 of the Bill seeks to empower the State Government under section 64 of the Act to make rules with respect to the manner in which measures for immunisation of live-stock shall be taken.

3. The matters with respect to which rules may be made are matters of procedure or detail and as such the delegation of legislative power is of normal character.

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SUDARSHAN AGARWAL,  
*Secretary-General.*

